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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-057

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The rule uses a number of terms and phrases that are not specifically defined in the rule. For example, the rule contains the following undefined terms:

- (1) “Approach bulkheads” in s. ATP 92.01 (11m) (c);
- (2) “Dump scales” in s. ATP 92.01 (14);
- (3) “Poured monolithically” in s. ATP 92.03 (3) (b) 3.;
- (4) “Compacted aggregate” in s. ATP 92.03 (3) (c) 3.;
- (5) “Fully electronic load receiving element” in s. ATP 92.03 (3) (e) 1.; and
- (6) “Compacted asphaltic materials” in s. ATP 92.03 (3) (h).

The agency may wish to provide specific definitions for these terms or to further describe them if their meaning is not clear from the context of the rule or if they are not terms of art.

b. In s. ATP 92.02 (3) (c), it is not clear what will occur if the department fails to grant or deny authorization within 30 days after receipt of an application. This should be clarified in the final rule. The same clarification should be considered for s. ATP 92.03 (1) regarding the 20-day approval requirement.

c. Section ATCP 92.02 (4) in effect prohibits the sale or use of a commercial weighing or measuring device under certain conditions. Is it clear that the certification standards under sub. (2) will apply to individual parts or components?

d. Will all scales that are referenced under s. ATCP 92.03 (3) (e) have a “fully electronic load receiving element”? If some scales will not have such an element, the rule should be redrafted to clearly allow for compliance when that element is not present.

e. The exemptions contained in s. ATCP 92.03 (8) appear to exclude a large number of scales from the operation of the rule. It is not clear from the rule how the exemption will be granted or how an operator or user will know that the scale is not covered by the rule. Further, with regard to the one-year standard contained in s. ATCP 92.03 (8) (a), it is not clear how a person will know in advance that the use of the scale will be for less than one year at the same location. The agency may wish to consider including a provision in the rule regarding the granting of exemptions to certain scales that meet the conditions set forth under s. ATCP 92.03 (8).